Freedom of Information request: UKRI2018/0096

Thank you for your Freedom of Information request submitted on the 27th July 2018 in which you requested the following:

“Please could you release any documents/reports/risk assessments/risk registers on the impact of Brexit on UKRI, produced since the 23rd June 2016?”

Our response:

I can confirm that information relevant to your request is held by UK Research and Innovation, however release of this information is exempt under Section 35 (Formulation of Government Policy), specifically 35 (1) (a) – The formulation or development of government policy

As set out in the Information Commissioner’s Office Guidance on Section 35 UK Research and Innovation is an arms length body (para 63 page 19), and not ordinarily able to apply S35. However, as described in paragraph 66, UK Research and Innovation has provided information and advice used in the development and formulation of government policy in this area. UK Research and Innovation has provided information to inform policy development in this area to Department of Business, Energy and Industrial Strategy.

Section 35 is a qualified exemption and requires the application of a Public Interest Test (PIT). UK Research and Innovation has conducted a PIT in respect of this information:

Public Interest Test:

1. Factors in favour of releasing the information are:
   - Disclosure of information held by a public authority on request is of value and in the public interest to promote transparency and accountability in relation to the activities of public authorities.
The quality of advice and the content of deliberations by officials may improve if there was an expectation of the information being made publicly available.

There is a clear public interest in demonstrating that the work of the public authority is effective in contributing to the development of policy at both an authority and a government level.

2. Factors against releasing the information are:

- There is a public interest in UKRI being able to have free and frank deliberations with government regarding their work to ensure that effective operational arrangements are in place.

- Disclosure would impact on the ability to debate live issues and reach decisions free from external interference and distraction – particularly in an area where the dynamics of the issue can change at short notice.

- Public release of information restricts the ability to test implications of policy decisions and undertake without prejudice rigorous and candid assessments.

- The government needs a safe space to develop ideas, debate live issues and reach decisions away from external interference and distraction. UK Research and Innovation should not jeopardise the ‘safe space’ with an untimely release of information.

Overall UK Research and Innovation believes that the public interest is best served by the retention of the exemption.

The recent government guidance document “The government’s guarantee for EU funded programmes if there’s no Brexit deal” https://www.gov.uk/government/publications/the-governments-guarantee-for-eu-funded-programmes-if theres-no-brexit-deal is informed by a number of sources including UK Research and Innovation.

If you are dissatisfied with the handling of your request you have the right to ask for an internal review. Requests for internal review should be submitted within 20 working days of the date of receipt of the response to your original letter and should be addressed to:

Complaints Officer
UK Research and Innovation
Polaris House
North Star Avenue
Swindon
SN2 1FL
Email: foi@ukri.org

Please quote the reference number above in any future communications.
If you are still not content with the outcome of the internal review, you may apply the matter to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner  
Wycliffe House,  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Further information about the Office of the Information Commissioner can be found at  
http://www.ico.gov.uk/

Yours sincerely

UK Research and Innovation,  
Information Governance Team